

IN THE 6th CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, *ex rel.*
HERBERT H. SLATERY III, Attorney General
and Reporter,

Petitioner,

v.

NATIONAL BUSINESS ADVERTISING, INC.,
a Kentucky corporation, and

ALOYSIUS GRIPSHOVER, both individually
and as owner and president of NATIONAL
BUSINESS ADVERTISING, INC.

Respondents.

No. 14C5371

ORDER COMPELLING COMPLIANCE WITH THE STATE'S
REQUEST FOR INFORMATION

Pursuant to Tenn. Code Ann. §§ 47-18-106(c) and 47-18-114, on December 17, 2014, the State of Tennessee, by and through Herbert H. Slatery III, the Attorney General and Reporter for the State of Tennessee ("State"), applied to this Court for an Order compelling National Business Advertising, Inc., and Aloysius Gripshover, both individually and as owner and president of National Business Advertising, Inc. ("Respondents") to fully comply with the State's Request for Information issued pursuant to Tenn. Code Ann. § 47-18-106 ("Request"). The State's Petition For An Order Compelling Respondents' Compliance With The State's Request For Information ("Petition") came to be heard on January 23, 2015, before the Honorable Judge Thomas Brothers.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Premises considered, the Court finds as follows:

(A) Respondents' principal office is located at 7551 Industrial Road, in Florence, Kentucky.

(B) From Kentucky, Respondents have engaged in trade or commerce by offering for sale and selling advertisement space to Tennessee consumers and businesses on promotional University of Tennessee at Martin football schedules, without having the requisite permission from the University. Respondents received valuable consideration from Tennessee consumers and businesses for the schedules.

(C) The State has reason to believe it is in the public interest to conduct an investigation to ascertain whether Respondents have engaged in acts or practices declared to be unlawful by the Tennessee Consumer Protection Act, Tenn. Code Ann. §§ 47-18-101 *et seq.* ("Consumer Act")

(D) The State has reason to believe that Respondents have engaged in violations declared unlawful by the Consumer Act including but not limited to Tenn. Code Ann. §§ 47-18-104(b)(2), (b)(3), and (b)(27).

(E) Pursuant to Tenn. Code Ann. § 47-18-106, and in furtherance of its investigation, the State validly issued a Request to Respondents on September 5, 2014.

(F) The Request required Respondent to provide responsive documents and information by no later than October 10, 2014. A copy of the Request is attached hereto as Exhibit A.

(G) On October 7, 2014, the State received from Respondents a one-sentence handwritten letter dated October 1, 2014, stating that Respondents' operation, "has been closed for over three months." A copy of this letter is attached hereto as Exhibit B.

(H) On November 5, 2014, the State sent a letter to Respondents explaining that, although their company "has been closed for over three months," they are still required to specifically respond to and produce the documents and information sought by the Request. The State extended the deadline for responding to the State's Request to November 21, 2014. A copy of this letter is attached hereto as Exhibit C.

(I) The State has received no further communication from Respondents. To date, Respondents have refused to provide the requested documents and information and have failed to petition for a protective order to

extend the return date for a reasonable time, or to modify or set aside the lawfully issued Request, pursuant to Tenn. Code Ann. § 47-18-106(b).

(J) A copy of the State's Petition was properly served on Respondents' owner and registered agent for service of process, Aloysius Gripshover, at 9309 Echo Hills, in Alexandria, Kentucky on December 26, 2014, via certified mail. A copy of this certified mail return card is attached hereto as Exhibit D.

(K) Respondents have failed to appear or otherwise respond in any way to the State's Petition.

(L) The Court has personal jurisdiction over Respondents pursuant to Tenn. Code Ann. §§ 20-2-214(a)(1), (a)(2), and (a)(5).

(M) The Court has subject matter jurisdiction to decide this matter pursuant to Tenn. Code Ann. § 47-18-106(c).

1. **IT IS THEREFORE ORDERED ADJUDGED AND DECREED** that the State's Petition for an Order Compelling Compliance with the State's Request for Information is **GRANTED** in its entirety.

COURT ORDERED DOCUMENT PRODUCTION DATE

2. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Respondent Aloysius Gripshover, individually and doing business as National Business Advertising, Inc., and his owners, officers, directors, agents, assigns, representatives and employees, are hereby ordered to produce and deliver all requested materials and documents requested by the State's Request by no later than Noon (12:00 P.M.) central time on February 6, 2015 to the Office of the Attorney General Consumer Advocate and Protection Division, 425, Fifth Avenue North, Nashville, Tennessee.

COURT ORDERED SWORN STATEMENT DATE

3. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Respondent Aloysius Gripshover is ordered to appear for a sworn statement, pursuant to

Tenn. Code Ann. § 47-18-106(a)(2), at the Office of the Attorney General and Reporter, Consumer Advocate and Protection Division, John Sevier State Office Building, 425 Fifth Avenue North, Nashville, Tennessee at 10:00 A.M. central time on February 17, 2015. The sworn testimony shall continue to from day to day until completion.

PENALTIES FOR FAILURE TO COMPLY

4. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Respondents are hereby notified that the failure to comply with any provision of this Order shall support a finding of contempt by this Court at a subsequent hearing. Additionally, pursuant to Tenn. Code Ann. § 47-18-108(c), any knowing violation of the terms of this Order shall be punishable by civil penalties of not more than Two Thousand Dollars (\$2,000.00) per violation, in addition to any other appropriate relief.

INJUNCTION

5. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to Tenn. Code Ann. §47-18-106(e), Respondent is hereby prohibited and enjoined from evading, preventing compliance in whole or in part with the State's civil investigation, and prohibited and enjoined from removing from any place, concealing, withholding, destroying, mutilating, falsifying, disposing of or by any other means altering any records, materials or documents requested by and otherwise related in any way to Petitioner's Request or this investigation.

CIVIL PENALTIES

6. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, pursuant to Tenn. Code Ann. §47-18-106(e), the State of Tennessee is awarded judgment in the amount of One Thousand Dollars (\$1,000.00) against Respondents as a remedial

civil penalty for failure to respond to the State's Request for Information. Respondents are ordered to pay One Thousand Dollars (\$1,000.00) to the State of Tennessee, by certified check made payable to the "Treasurer, State of Tennessee-Civil Penalty" by February 6, 2015. Said check should be delivered to Counsel for the State at the address listed below. Should the Respondents fail to make timely payment of this civil penalty, execution and collection may issue immediately and the State may recover reasonable attorneys' fees and costs associated with any collection efforts as well as statutory interest and other penalties, fines or remedies at law.

ATTORNEYS' FEES AND COSTS

7. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to Tenn. Code Ann. §§ 47-18-106(e) and 47-18-108(b)(4), Respondent is ordered to pay the Tennessee Attorney General for the reasonable costs, including attorneys' fees, for preparing and filing the Petition, in the amount of Seven Hundred Fifty dollars (\$750.00). An affidavit outlining these fees is attached hereto as Exhibit E. The attorneys' fees and costs awarded may be used at the sole discretion of the Tennessee Attorney General. Should Respondents fail to make timely payment under this provision, execution and collection may issue and the State may recover reasonable attorneys' fees and costs associated with any collection efforts as well as statutory interest and any other penalties, fines or remedies available at law.

CONTINUING JURISDICTION

8. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Court expressly reserves jurisdiction for enforcement of this Order, consideration of further civil penalties, sanctions and remedies for further or subsequent violations, and for all other

purposes, including but not limited to consideration of the underlying facts relating to the State's investigation.

COURT COSTS

9. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Respondents be responsible for the payment of all court costs. Further, no costs will be taxed against the State as provided by Tenn. Code Ann. § 47-18-116.

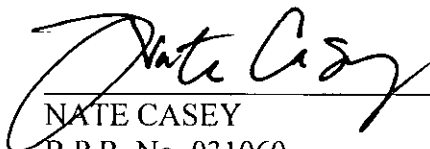
IT IS SO ORDERED, ADJUDGED AND DECREED, this the ____ day of _____, 2015.

A handwritten signature in black ink, appearing to read 'T. Brothers', is written over a horizontal line.

JUDGE THOMAS BROTHERS
Sixth Circuit Court

SUBMITTED FOR ENTRY:

HERBERT H. SLATERY III
Attorney General and Reporter
B.P.R. No. 009077



NATE CASEY

B.P.R. No. 031060
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202-0207
Phone: (615) 741-2935
Facsimile: (615) 532-2910
E-mail: nate.casey@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Document Filing has been forwarded via certified mail, postage prepaid, to:

Aloysius Gripshover
National Business Advertising, Inc.
9309 Echo Hills
Alexandria, KY 41001

on this the 23 day of January, 2015.



NATE CASEY

EXHIBIT A

FILED
2015 JAN 30 PM 2:59
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
D.C.
R. J. Dutton

STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL AND REPORTER
AND DIVISION OF CONSUMER AFFAIRS
DEPARTMENT OF COMMERCE AND INSURANCE



IN RE INVESTIGATION OF
NATIONAL BUSINESS
ADVERTISING, INC.
and/or all officers, directors,
partners, owners, affiliates,
predecessors, successors,
subsidiaries, employees,
attorneys, consultants, assigns,
agents, members and/or
representatives of *NATIONAL*
BUSINESS ADVERTISING, INC.
and other persons known and
unknown.

ISSUED PURSUANT TO
TENN. CODE ANN. § 47-18-101 *et seq.*

REQUEST FOR INFORMATION

TO: National Business Advertising, Inc.
7551 Industrial Road
Florence, Kentucky 41042

SERVE: Aloysius Gripshover, *President and Registered Agent*
9309 Echo Hills Road
Alexandria, Kentucky 41001

The Division of Consumer Affairs of the Tennessee Department of Commerce and Insurance, through Robert E. Cooper, Jr., Attorney General and Reporter, has reason to believe it would be in the public interest to conduct an investigation, pursuant to Tenn. Code Ann. § 47-18-106, to ascertain whether National Business Advertising, Inc. (collectively "NBAI" as defined below), are engaging in, have

engaged in, or are about to engage in acts or practices in Tennessee which are in violation of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.*

DOCUMENT REQUEST

Pursuant to Tenn. Code Ann. § 47-18-106(a)(1), at the request of the Division and with the approval of the Attorney General, you are hereby requested and directed to furnish and make available the requested documents and information at such time and location mutually agreed in writing by the parties prior to the document production deadline on the 10th day of Oct., 2014, at 10:00 a.m. Central, or if no location is otherwise selected by the parties to the following addresses:

For Physical Delivery or by Courier:

Office of the Attorney General
Consumer Advocate and Protection Division
Attn: Nate Casey, AAG
425 Fifth Avenue North
Nashville, TN 37235

For Delivery by U.S. Mail:

Office of the Attorney General
Consumer Advocate and Protection Division
Attn: Nate Casey, AAG
Post Office Box 20207
Nashville, TN 37202-0207

SWORN STATEMENT(S)

Pursuant to Tenn. Code Ann. § 47-18-106(a)(2), the Attorney General hereby requests that you provide the following person(s) for sworn testimony:

- (1) The person(s) employed by you who is (are) most knowledgeable regarding the advertising, marketing, sales and business operations of NBAI in Tennessee, to Tennessee consumers and involving Tennessee institutions.

(2) The person(s) employed by you who is (are) responsible for responding to consumer complaints including but not limited to refund and chargeback requests.

(3) Aloysius Gripshover, President.

to appear for the purpose of giving sworn testimony before the Attorney General's designated representative(s). As follows:

(1) Witness(es) #1 on the 20th day of Nov., 2014, at 10:00 a.m. Central.

(2) Witness(es) #2 on the 20th day of Nov., 2014, at 10:00 a.m. Central.

(3) Witness #3 on the 20th day of Nov., 2014, at 10:00 a.m. Central.

All witnesses shall appear at a location mutually agreed to in writing by the parties prior to the sworn statement date set forth above, or if no location is selected in advance, the Office of the Tennessee Attorney General, John Sevier Building, 425 5th Avenue North, Nashville, Tennessee 37243. The testimony of each witness will continue daily as necessary until completion.

DEFINITIONS

For the purpose of this Request, the following words or terms have the following definitions:

- (1) "Advertisement" or "Advertise" shall mean and shall include at a minimum: any written, oral, graphic, or electronic statement, illustration, or depiction that is designed to create interest in the purchasing of, impart information about the attributes of, publicize the availability of, or affect the sale or use of, goods or services, whether

the statement appears in a brochure, newspaper, magazine, free-standing insert, marketing kit, leaflet, mailer, book insert, letter, catalog, poster, chart, billboard, electronic mail, website or other digital form, slide, radio, broadcast television, cable television, or commercial or infomercial whether live or recorded.

- (2) **"Attorney General"** shall mean and refer to the Office of the Tennessee Attorney General.
- (3) **"Consumer"** shall mean and include any person, a natural person, individual, governmental agency or entity, partnership, corporation, trust, estate, incorporated or unincorporated association and any other legal or commercial entity however organized.
- (4) **"Custodian"** shall mean the person(s) who is/are most knowledgeable about the information and documents requested herein, including:
 - a. Your location and method of record keeping for the documents responsive to this Demand; and
 - b. Your organization of the documents as they are produced to the Attorney General pursuant to this Demand.
 - c. Your process for identifying documents responsive to this Demand. The person(s) shall have the ability to authenticate and identify each document provided by you pursuant to standard found in Fed. R. Evid. 902(11).
- (5) **"Division"** shall mean the Tennessee Division of Consumer Affairs
- (6) **"Document," "documentation" or "documents"** means all true, accurate, and complete copies of all writings and recorded materials, of any kind, that are or have been in your possession, control or custody of which you have knowledge, whether originals or copies.

Such writings or recordings include but are not limited to: work logs, work notes, account notes, negotiations logs, records regarding work completed on a client's behalf, contracts, bills of sale, agreements, promissory notes, applications, file memoranda, correspondence, telegrams, forms, bank statements, tax invoices, tax returns, files, books, pamphlets, circulars, transcripts, orders, bids, estimates, receipts, warranties, guarantees, bulletins, periodicals, letters, reports, advertisements, graphs, charts, plans, records, studies, logs, manuals, minutes, photographs or microfilm, diagrams, drawings or other visual materials, lists, working papers, rough drafts, research material, notes, papers, ledgers, journals or other books of account, computer

print-outs or discs or tapes, computer programs, e-mails, text messages, facsimiles, instant messages, web sites, intra- and inter-office memoranda, notebooks, desk calendars, diaries, statistical computations, confirmations, reports and/or summaries of interviews or conversations, reports and/or summaries of investigations, opinions or reports of consultants, statements or expressions of policy, appraisals, forecasts, of all natures and kinds whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, models, electronically stored information (including writings, drawings, graphs, charts, photographs, sound recordings, images, phono-records, and other data and data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by you into a reasonably usable form), or other manner of tangible things on which words, phrases, symbols, information or other matter are written, printed or recorded.

The term "Native Format" shall mean and refer to the default format of a data file created by its associated software program, *i.e.*, for Microsoft Excel, the native format is ".xls" and for Microsoft Word, the native format is ".doc."

(7) "Identify" or "Identity" shall mean the following:

When used in reference to a natural person, to state:

- (1) the person's full name;
- (2) the person's title;
- (3) the person's present or last known residential and business physical address (non-post office box);
- (4) the person's present last known residential and business telephone number; and
- (5) the person's present or last known email address.

When used in reference to a legal entity, such as a corporation or partnership, to state:

- (1) the organization's full name, trade names and doing business as names, if any;
- (2) the physical address and telephone number of its principal place of business and any business locations in the State of Tennessee;
- (3) The electronic email addresses or websites operated by the entity; and

(3) the names and titles of the entity's owners, officers, directors, managing agents or employees.

When used in reference to a document or documentary material, to state:

- (1) the type of document (e.g., letter, memorandum, print-out, report, newspaper, etc.);
- (2) the title and date, if any, of the document;
- (3) the author's name and physical mailing address and email address;
- (4) the addressee's name and physical address and email address;
- (5) a brief description of the document's contents;
- (6) the present location of the document; and
- (7) the name, physical address and email address of the person or persons having custody over the document. If any such document was, but is no longer, in your possession, or custody, or subject to your control, state what disposition was made of each document. In all cases where you are requested to identify particular documents, in lieu of such identification, you may supply a full legible copy of the document in question.

When used in reference to a date:

- (1) state the month, day, and year upon which the fact, communication, act, or omission occurred, commenced, started, recommenced, or restarted;
 - (2) the months, days, and years during which the fact, communication, act, or omission ended;
 - (3) any interval of time should be designated by a beginning month, day, and year and an ending month, day, and year;
 - (4) if the exact date is not ascertainable, then furnish the closest approximation that can be made thereto by means of relationship to other events, locations, or matters.
- (8) **"Refer"** shall mean to make a statement about, embody, discuss, describe, reflect, identify, deal with, consist of, establish, comprise, list, or in any way pertain, in whole or in part, to the subject of the document request.
- (9) **"Relate"** means embody, refer or relate, in any manner, to the subject of the document request.

- (10) **"Request"** means this Request for Consumer Protection Information.
- (11) **"Tennessee Consumer Protection Act" or "Consumer Act"** means the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.*
- (12) **"You" and "NBAI"** shall mean and include: National Business Advertising, Inc. and/or any and all officers, directors, owners, members, partners, predecessors, successors, affiliates, subsidiaries, consultants, attorneys, employees, agents and representatives of National Business Advertising, Inc.

INSTRUCTIONS

- (1) If you are represented by an attorney, please immediately provide this Request to him/her.
- (2) If you believe you are unable to produce the documents or witnesses in the time frame stated in this Request, you (or your attorney if you are represented) should contact the attorney listed under Attorney General Contact to discuss a possible extension of time. There is a required extension letter form that must be completed and approved before you have any extension. If no extension is granted by an approved extension letter, you are required to comply within the time frames set forth herein. Extensions are not granted after the expiration of the time required for production of documents or witnesses.
- (3) Unless otherwise indicated, documents to be produced pursuant to this Request include each and every document prepared, sent, dated, received, in effect, or which otherwise came into existence during the period from September 1, 2011 to the date of the production of the documents. In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents serving the same function during the relevant time period, even though the title of earlier documents may differ from current versions.
- (4) Document requests in the Request call for the production of each and every responsive document in your possession, custody, and control without regard to the physical location of those documents. If any documents, items or information requested herein are not in your possession, custody or control but you have information of their existence elsewhere, (a) identify as defined herein, the documents present location (b) identify as defined herein, who your information indicates possesses each of those documents, items or information, (c) describe the nature of the document or contents; (d) describe in detail the nature of the document or contents, (e) identify as defined herein all persons who have seen or had possession of the document, (f) identify as defined above the person who prepared the document and its contents, (g) identify as defined herein when the document became unavailable, if applicable, and (h) identify the reason the document is no longer available. Additionally, if any of the documents requested herein have been destroyed, please state the date of destruction, the reason for such destruction, identify as defined herein the person(s) responsible for such destruction, and why such destruction does not violate Tenn. Code Ann. § 47-18-106(e). If you have no documents

responsive to a particular request in this Request, then you must state this fact within your response. If after your production of documents, you later identify documents, those documents shall be provided in the same manner set forth herein.

- (5) Documents to be produced shall be originals unless otherwise indicated. If the "original" is a copy, that copy should be produced as the original provided the copies are legible, true, correct, and complete copies. You are also required to maintain all original documents in their original condition at the time of receipt of this Request and to produce upon request of the Attorney General.
- (6) The following procedures apply to the production of all documents (paper, video, audio, electronic and otherwise):
 - (a) All attachments to responsive documents shall be produced attached to the responsive documents.
 - (b) No portion of any documents will be masked and the entire document shall be produced.
 - (c) The producer shall provide a key to all abbreviations used in the documents. The key should be attached to the appropriate documents.
 - (d) All documents produced must include unique identifying sequential marks such as a Bates Stamp.
 - (e) If a document is responsive to more than one request, it shall be clearly marked to so indicate.
 - (f) All document data that is in electronic format shall be produced in its native format, along with a written statement describing what information is included in that database, naming the native format and the software program used to enter and record the data, including the name of the software manufacturer, software release date and version.
 - (g) All submitted documents to the Attorney General must be scanned and confirmed free of computer viruses. You must also provide all passwords necessary to open any documents. Please remember any documents provided which include personally identifiable information should be provided in encrypted and password protected format. You

should also clearly and conspicuously identify each document or information you claim is confidential by state or federal law and identify the state or federal law.

- (7) If you assert a privilege in response to a document request in this Request, you must state the privilege, the basis for the privilege, and identify, as defined herein, the documents to which the privilege attaches. All responsive documents that are subject to an asserted privilege may not be destroyed, mutilated, or otherwise altered, must be maintained in their original format, and are subject to the provisions of Tenn. Code Ann. § 47-18-106(e).
- (8) All documents shall be provided along with the attached sworn affidavit of certification and verification of the person(s) responsible for compiling the response. The certificate must state that the documents are a complete, truthful and accurate response to this Request and that they are in no way misleading or calculated to withhold information that is available to you and is requested by this Request. The certificate must also state that you have not concealed, withheld, destroyed, mutilated, falsified or by any other means altered any of the documentary information in your possession, custody or control and that you have not violated Tenn. Code Ann. § 47-18-106(e). The certificate must also authenticate all documents provided in response to the Request. A form sworn certificate is attached for your completion. Please make sure you sign it before a notary.
- (9) Whenever appropriate, the singular form of a word should be interpreted in the plural, and the plural form should be interpreted in the singular. Further, the masculine and the feminine and the neuter should be interpreted to refer to the other, as the context requires.
- (10) In responding to this Request, preface each answer or document by the request number to which it is addressed. If you are unable to answer a question fully, submit as much information as is available, explain why your answer is incomplete, and state the source or sources from which a complete answer may be obtained. If an accurate answer cannot be obtained from books or records, your best estimate, so identified, should be submitted indicating the source and calculation method of the estimate.
- (11) In responding to this Request, your production of documents shall include an index that provides a description of the types of documents, their contents and the corresponding unique identifying mark and the request(s) each document is responsive to.

REQUESTS FOR INFORMATION AND DOCUMENTS

In accordance with the requirements set forth in the "Definitions" and "Instructions", you are specifically required to respond and provide copies of all responsive documents to the following within the time frame set forth above:

(1) Identification of Responder.

Identify, as described above, the person or persons answering and/or assisting in answering this Request on your behalf.

(2) Nature of Business

- (A) Describe in detail the type and nature of the trade, commerce or business that you operate in or from the State of Tennessee.
- (B) Describe in detail the type and nature of the goods and/or services that you offer to consumers in or from the State of Tennessee.

(3) Corporate Information.

- (A) All documents reflecting your corporate structure, including the names and titles of all owners, officers, directors, managers, board members and senior management personnel.
- (B) Identify, as defined above, the employee(s) or agent(s) responsible for all of your advertising and promotional materials.
- (C) Identify, as defined above, any entity which is currently or has been the parent company of NBAI.
- (D) Identify, as defined above, any entity that is currently or has been a subsidiary of NBAI.
- (E) Identify, as defined above, any entity that is currently or has been an affiliate of NBAI.

- (F) Identify, as defined above, all physical addresses, post office boxes, telephone numbers, web addresses and email addresses from which you conduct business or have conducted business in or from Tennessee.
- (G) Addresses and telephone numbers for each and every location from which you conduct business in Tennessee or from Tennessee.
- (H) Identify, as defined above, the director, office manager, supervisor and/or manager responsible for each location of NBAI located at the addresses provided in response to Request 3F and 3G. Include the geographic area of responsibility for each of those persons as well as the store and/or location in those areas.
- (I) All documents reflecting the identity of all employees, representatives, agents and sub-contractors as well as the terms of such persons' employment, engagement or retention who have conducted trade or commerce in or from Tennessee.
- (J) Identify, as defined above, any persons you have authorized to sell any of your goods and services and produce a copy of the applicable contracts or agreements authorizing such sale to persons in the State of Tennessee and/or from the State of Tennessee to elsewhere.
- (K) Identify, as defined above, all websites you have operated any of your business(es) from or advertised any of your goods and services from.
- (L) If your business is not incorporated, identify, as defined above, all persons doing business as NBAI, and each of their responsibilities relating to the day-to-day operations of NBAI.
- (M) Identify, as defined above, what type of legal entity NBAI is, along with the name, title, mailing address(es) and telephone number(s) of all entity or individual owners, operators and management of NBAI.
- (N) Identify, as defined above, all of the entity(ies) or individual(s) responsible for all advertising and promotional materials disseminated in, or capable of being viewed by, consumers in the State of Tennessee with respect to National Business Advertising, Inc. and its goods and services.

- (O) Copies of all NBAI advertising and promotional materials disseminated to, or capable of being viewed by consumers in the State of Tennessee.
- (P) A copy of the contract(s) and other documentation used by NBAI to facilitate the sale and purchase of its advertisements in Tennessee.
- (Q) A copy of all NBAI pricelists for advertisements sold in Tennessee.
- (R) A copy of all athletic team schedules for which NBAI has sold advertising or promoted in Tennessee.
- (S) All documentation of prior authorization(s) that you have received from the athletic programs whose schedules NBAI has sold advertising or promoted in Tennessee.
- (T) Describe how NBAI's athletic team schedules have been disseminated to the public.
- (U) Copies of all documents that explain NBAI's relationship with Martin Realty Corporation.
- (V) Copies of all sales scripts used to facilitate advertisement sales in Tennessee.

(4) Consumer Information

An electronically searchable list of all persons who have purchased any goods or services from you in the State of Tennessee. The list shall include all of the following as required by the definitions above:

- (A) The name of the good or product purchased;
- (B) The date of the person's purchase;
- (C) The person who made the sale;
- (D) The amount paid for the purchase (including all taxes, shipping and fees by whatever name);
- (E) The date you shipped the good or product;
- (F) Whether the person has complained or otherwise requested a refund or chargeback request;

- (G) The date of the complaint, the request for any refund or chargeback request;
- (H) The amount of any refund request or chargeback requested;
- (I) The amount of any refund, chargeback or credit issued;
- (J) The date of any refund, chargeback or credit was issued,
- (K) The reason for any denial of any refund/chargeback request or partial denial;
- (L) The total number of purchasing consumers/persons in Tennessee by year;
- (M) The total number of purchasing consumers/persons outside of Tennessee resulting from your business activities within Tennessee or involving the athletic schedules of Tennessee institutions by year;
- (N) Total dollar amount sold to consumers/persons in Tennessee by year; and
- (O) Total dollar amount sold to consumers/persons outside of Tennessee resulting from your business activities within Tennessee or involving the athletic schedules of Tennessee institutions by year.

(5) Complaint Handling

- (A) Documents indicating the manner in which consumer complaints or inquiries are received and/or handled by you.
- (B) Consumer complaints or inquiries regarding the sale of advertising in football schedules for the University of Tennessee at Martin. Include in your response any documents which NBAI has maintained documenting telephone calls made from consumers directly to you in which a consumer complaint was made. Also include a copy of any document containing a response by or on behalf of NBAI to any consumer complaint.
- (C) Consumer complaints or inquiries regarding any advertisements you have made to consumers in the State of Tennessee. Include in your response any documents which NBAI has maintained documenting telephone calls made from consumers directly to you in which a consumer complaint was made. Also include a copy of any document containing a response by or on behalf of you to any consumer complaint.

- (D) Documents used by you as internal training materials for staff or persons dealing with consumer complaints or inquiries.
 - (E) Documents regarding any chargebacks, PayPal refunds or other debits requested by a consumer and your response to those requests.
- (6) Other Investigations or Lawsuits**
- (A) Documents reflecting any correspondence with any law enforcement entity regarding the activities or practices of NBAI.
 - (B) Copies of any and all complaints, pleadings, memoranda, court orders, court opinions, Assurances of Voluntary Compliance or Assurance of Discontinuance, Consent Judgments or similar documents or consent decrees to which you are or were a party, whether or not filed in any State or Federal Court.
 - (C) If you have ever been investigated by any State or Federal agency, identify the agency and produce a copy of all documents relating to each such investigation.

IMPORTANT INFORMATION AND NOTICES

This Request was issued on behalf of the State of Tennessee, Division of Consumer Affairs and with the approval of the Attorney General of the State of Tennessee pursuant to Tenn. Code Ann. § 47-18-106. You should carefully review this statute. For your information:

Tenn. Code Ann. § 47-18-106(b) provides in part as follows:

At any time prior to the return date specified in the division's request for information . . . , or within ten (10) days following notice of such a request, whichever is shorter, any person from whom information has been requested may petition the circuit or chancery court of Davidson County, stating good cause, for a protective order to extend the return date for a reasonable time, or to modify or set aside the request. The division shall receive at least one (1) day's notice of such a petition and shall be given an opportunity to respond.

Tenn. Code Ann. § 47-18-106(c) provides in part as follows:

If no protective order from the court is secured and the written request by the division is not complied with by its return date, the division, upon notice to the person requested to provide information, may apply to a court of competent jurisdiction for an order compelling compliance with the request . . .

Tenn. Code Ann. § 47-18-106(e) provides in part as follows:

Any person who has received notice of a request for information pursuant to subsection (a) of this section ... and with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation ... removes from any place, conceals, withholds, destroys, mutilates, falsifies, or by any other means alters any documentary material in the possession, custody or control of any person subject to such notice, shall be subject to a civil penalty of not more than one thousand dollars (\$1,000)

recoverable by the state in addition to any other appropriate sanction.

Tenn. Code Ann. § 47-18-106(g) provides in part as follows:

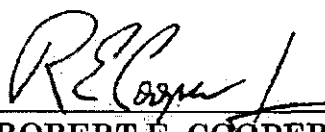
No documentary material, merchandise, or other information, including trade secrets, obtained pursuant to a request under this section, unless otherwise ordered by the court for good cause shown, shall be produced for inspection, copied by, or its contents disclosed to, any person other than an authorized representative of the division or other proper law enforcement official for the purpose of prosecution without the consent of the person who produced the material or information. The division may use copies of the documentary material produced in accordance with this section and merchandise impounded under a court order as it determines necessary in the enforcement of this part, including the presentation before any court; provided, that none of the powers conferred upon the division by this part shall be used for the purpose of compelling any natural person to furnish testimony or evidence which may be protected by such person's right against self-incrimination.

ATTORNEY GENERAL CONTACT

Please direct any inquiries or questions to the Consumer Advocate and Protection Division, Office of the Attorney General, Consumer Advocate and Protection Division, Post Office Box 20207, Nashville, Tennessee 37202-0207, telephone: (615)741-1671 and email to: nate.casey@ag.tn.gov. Your direct contact within the Division is Nate Casey, Assistant Attorney General.

Please note any petitions filed pursuant to Tenn. Code Ann. § 47-18-106(b) must be served in accordance with state law.

ISSUED: September 5, 2014



ROBERT E. COOPER, JR.
Attorney General and Reporter

Approved:

A handwritten signature in black ink, appearing to read "Bill Giannini", is written over a horizontal line.

BILL GIANNINI

Deputy Commissioner for Regulatory Boards and Consumer Affairs
Acting Director, Division of Consumer Affairs

STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL AND REPORTER
CONSUMER ADVOCATE AND PROTECTION DIVISION

IN RE INVESTIGATION OF)
NATIONAL BUSINESS)
ADVERTISING, INC.)
and/or all officers, directors,)
partners, owners, affiliates,)
predecessors, successors,)
subsidiaries, employees,)
attorneys, consultants, assigns,)
agents, members and/or)
representatives of NATIONAL)
BUSINESS ADVERTISING, INC.)
and other persons known and)
unknown.)
)

ISSUED PURSUANT TO
TENN. CODE ANN. § 47-18-101 *et seq.*

CERTIFICATE OF COMPLIANCE

State of _____)
County of _____)

I, _____, an officer of _____ hereby certify that I have reviewed the responses to the Request for Information issued to _____, dated _____, 201__, and that they are true, accurate, and complete and that they are in no way misleading or calculated to withhold information that is available to me and is requested by the Requests for Information. _____ has not concealed, withheld, mutilated, falsified or by any other means altered any of the documentary information in its possession, custody or control and it has not violated Tenn. Code Ann. § 47-18-106(e). I further certify that all of the required documents and information, except that for which a privilege has been claimed herein, within the possession, custody, or control of the person to whom this Request for Information is directed has been produced. All of the documents provided in response to the Request for Information are authentic.

Name

Title

Address

City/State/Zip Code

Telephone

Subscribed to and sworn to before me
this ____ day of _____, 201__.

Notary Public

My Commission Expires:

RECEIVED

OCT 7. 2014

OFFICE OF ATTORNEY GENERAL
CONSUMER AD. & PRO. DIV.

10-1-14

State of TN, Attorney General

Re: Investigation of National Business
Advertising, Inc.

National Business Advertising has been
closed for over three months.

Sincerely,
Al Hipshone

EXHIBIT C

FILED
2015 JAN 30 PM 3:00
CLERK OF THE DISTRICT COURT
U.S. DISTRICT COURT
D.C.
K. Stettin

STATE OF TENNESSEE

Office of the Attorney General



HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615)741-3491
FACSIMILE (615)741-2009

November 5, 2014

Aloysius Gripshover,
Registered Agent and Principal of N.B.A.I.
9309 Echo Hills
Alexandria, Kentucky 41001

***Re: National Business Advertising, Inc. ("N.B.A.I.") Request for
Information***

Dear Mr. Gripshover:

Thank you for your letter dated October 7, 2014, regarding the Request for Information that was issued to N.B.A.I. by this Office pursuant to Tenn. Code Ann. § 47-18-106 *et seq.* While I appreciate that your business "has been closed for over three months," you are still required to specifically respond to and produce the documents and information sought by the Request for Information. Therefore, provide this information by **November 21, 2014**.

Please feel free to contact me with any questions. I look forward to reviewing your responses.

Best regards,

A handwritten signature in cursive script that reads "Nate Casey".

NATE CASEY

Assistant Attorney General
Consumer Advocate and Protection Division
(615) 741-2935

EXHIBIT D

FILED
2015 JAN 30 PM 3:00
RICHARD M. ROBERTS, CLERK
R. Roberts
D.C.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Aloysius Gripshover
9309 Echo Hills Road
Alexandria, KY 41001

2.

7008 0500 0001 9551 4395

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

ALY GRIPSHOVER

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Copy

EXHIBIT E

FILED
2015 JAN 30 PM 3:00
JUDICIAL BR. ROBERT H. GIBSON
K. Stratten D.C.

**IN THE 6th CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

STATE OF TENNESSEE, *ex rel.*
HERBERT H. SLATERY III, Attorney General
and Reporter,

Petitioner,

v.

NATIONAL BUSINESS ADVERTISING, INC.,
a Kentucky corporation, and

ALOYSIUS GRIPSHOVER, both individually
and as owner and president of NATIONAL
BUSINESS ADVERTISING, INC.

Respondents.

No. 14C5371

FILED
2015 JAN 30 PM 3:00
CLERK OF COURT
DAVIDSON COUNTY, TENNESSEE
J. R. ROBERTSON, CLERK

AFFIDAVIT OF NATE CASEY

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, Nate Casey, after first being duly sworn according to law, depose and say:

1. I have personal knowledge of the facts contained herein and swear that this statement is true and accurate to the best of my knowledge.

2. I am employed as an Assistant Attorney General with the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General. I have been employed in this capacity by the Office of the Tennessee Attorney General since January of 2013. I obtained my license to practice law in October 2012.

3. At a minimum, I spent Five (5) hours associated with the State of Tennessee's Petition for an Order to Compel Respondent to respond to the State's properly issued Request for

Information, including drafting the Petition to Compel, preparing for a court hearing, appearing in court, and drafting the Order to Compel.

4. In preparing this fee affidavit, I have attempted to use billing judgment in making a reasonable claim of time for services rendered.

5. I request that the Office of the Attorney General be awarded a reasonable hourly rate of One Hundred Fifty Dollars (\$150.00) per hour for my services pertaining to this case. I believe that One Hundred Fifty Dollars (\$150.00) per hour is a reasonable rate in light of prevailing market rates for attorneys of similar experience, qualifications and skills. This rate is the billing rate that has been approved by the Attorney General and Reporter's Office for the State of Tennessee for my services as an Assistant Attorney General in the Consumer Advocate and Protection Division. The total for Five (5) hours of my work described herein at One Hundred Fifty Dollars (\$150.00) per hour is Seven Hundred Fifty Dollars (\$750.00).

6. Two supervising attorneys from the Office of the Attorney General have reviewed and edited the pleadings that I have drafted in preparing the Petition to Compel. However, the Office of the Attorney General is not requesting attorneys' fees for the time spent by these attorneys, and is only requesting attorneys' fees for my time spent working on the Petition/Motion to Compel.

7. Based on the foregoing and consistent with Tenn. Code Ann. § 47-18-108(b)(4) which allows a court to award reasonable costs and expenses of investigation and prosecution of actions under the Tennessee Consumer Protection Act commenced by the State, including actions to compel compliance with Requests for Information, the State of Tennessee is seeking reimbursement for attorneys' fees for services in the total amount of Seven Hundred Fifty Dollars (\$750.00).

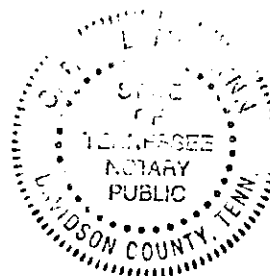
FURTHER THE AFFIANT SAITH NOT.

Nate Casey
NATE CASEY, B.P.R. 031060

Sworn to and subscribed before me this the 22 day of January, 2015.

Casey McAlynn
NOTARY PUBLIC

My commission expires: Jan 9, 2016



My Commission Expires JAN. 9, 2016